

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JOSE ANGEL LOPEZ, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. C-11-353
	§	
ALLIS-CHALMERS ENERGY INC., <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER**

Before the Court is “Plaintiffs’ Opposed Motion to Modify the Existing Class Definition and Extend the Current Opt-In Deadline” (D.E. 72). After considering the Plaintiffs’ Motion and the Defendants’ Response (D.E. 91), and after hearing arguments of counsel, the Court is of the opinion that the motion should be GRANTED IN PART and DENIED IN PART.

It is therefore ORDERED that within 10 days of the entry of this Order, Defendant Allis-Chalmers Tubular Services LLC n/k/a Archer Tubular Services LLC (“Archer”) shall disclose to Plaintiffs the names, addresses, email addresses (if available) and telephone numbers of all current and former Coil Tubing Operators, Laydown Operators, Laydown Assistants, Service Techs, Mud Tool Hands, Hammer Techs, Shop Hands, Fill-up Tool Operators, Dispatchers, Drivers, District Administration Workers, and Pushers (a/k/a field supervisors or service supervisors), Casing Floor Hands, Stabbers, and Tong Operators who were classified as “independent contractors” by Archer during the time period of

November 1, 2008 to the present. This information must be provided to Plaintiffs in usable electronic form, if available. Plaintiffs are ORDERED to refrain from using cell phone numbers unless all other methods of contact fail.


The Court hereby approves the Notice to Potential Plaintiffs and Notice of Consent attached hereto. Plaintiffs are ORDERED to have the Notice to Potential Plaintiffs and Notice of Consent translated into the Spanish language and have that translation served on Defendant Archer for review. Defendant Archer is ORDERED to file with this Court any objection to the Spanish-language version of the Notices within seven (7) days of service on them by Plaintiffs. Plaintiffs are ORDERED to mail or transmit a copy of the Notice to Potential Plaintiffs and Notice of Consent in English and Spanish-language versions to all persons identified by Defendant Archer in response to this Order. Defendant is ORDERED to post the Notice to Potential Plaintiffs and Notice of Consent in both English and Spanish-language versions on its company bulletin boards and include them with any regular company newsletter transmitted to potential plaintiffs in the 60 days following the date of this Order.

The potential plaintiffs shall be provided until July 16, 2012 to file their Notices of Consent “opting in” to this litigation as plaintiffs.

At this time, the Court DENIES Plaintiffs’ requests to expand the class further to include “day rate” employees or employees of any Defendant company other than Defendant Archer and to further expand the opt-in period to August 15,

2012. This denial is without prejudice to raise these issues promptly after Defendant Archer complies with appropriate discovery.

ORDERED this 20th day of April, 2012.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JOSE ANGEL LOPEZ, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. C-11-353
	§	
ALLIS-CHALMERS ENERGY INC., <i>et al</i> ,	§	
	§	
Defendants.	§	

**FIRST AMENDED NOTICE OF COLLECTIVE ACTION LAWSUIT**

TO: ALL CURRENT AND FORMER COIL TUBING OPERATORS, LAYDOWN OPERATORS, LAYDOWN ASSISTANTS, SERVICE TECHS, MUD TOOL HANDS, HAMMER TECHS, SHOP HANDS, FILL-UP TOOL OPERATORS, DISPATCHERS, DRIVERS, DISTRICT ADMINISTRATION WORKERS, AND PUSHERS (A/K/A FIELD SUPERVISORS OR SERVICE SUPERVISORS), CASING FLOOR HANDS, STABBERS, AND TONG OPERATORS WHO WERE CLASSIFIED AS “INDEPENDENT CONTRACTORS” BY ARCHER TUBULAR SERVICES LLC, FORMERLY KNOWN AS ALLIS-CHALMERS TUBULAR SERVICES LLC, DURING THE TIME PERIOD OF NOVEMBER 1, 2008 TO THE PRESENT

RE: Fair Labor Standards Act (FLSA) lawsuit

DATE: April 20, 2012

This case was filed on November 1, 2011 by Jose Angel Lopez and Michael James Lyons on their own behalf and on behalf of those similarly situated (Plaintiffs). All of these persons worked for Archer Tubular Services LLC, formerly known as Allis-Chalmers Tubular Services LLC (collectively “Tubular Services”) between November 1, 2008 and the present. Plaintiffs allege that they were required to work overtime hours (over 40 hours per week) almost every week without being paid full compensation for those hours pursuant to the FLSA. Plaintiffs have sued to recover alleged unpaid wages. Plaintiffs also seek additional damages equal to their unpaid wages because of Tubular Services’ alleged failure to pay them as required by the federal law governing overtime payments.

Tubular Services has denied the Plaintiffs' claims. Tubular Services further denies that the Plaintiffs were required to work over 40 hours per week almost every week, as alleged by the Plaintiffs.

If you are among the persons to whom this notice is addressed, you may be a proper class member. If you wish to have your rights to overtime pay litigated in this case, **you must file a consent** to be made a party plaintiff with the Clerk of the Court. It is entirely your own decision whether or not to do so.

The named plaintiffs brought this suit on their behalf and on behalf of those similarly situated to them. Plaintiffs' attorneys are Sico, White, Hoelscher & Braugh, L.L.P. If you have questions about the lawsuit or your rights, you may contact them directly at **361-653-3300**, or you may contact any counsel of your choice. You should not contact the Court to discuss this matter.

If you desire to join this litigation, you must file a **Notice of Consent in a form substantially similar to the one provided with this Notice**. As already stated, you may elect to seek your own attorney, but that attorney must file a notice of consent for you to proceed in this case. Your Notice of Consent should be under the caption of the case as listed above, should contain your name, address, telephone number, date of birth, date of signing, and signature, and should state: "I hereby consent to be a party plaintiff in this case." If you are proceeding with an attorney, your attorney should file the form on your behalf with your written authorization. You may be bound by the same fee and cost agreements as those of Plaintiffs already represented by present counsel. The Court has discretion to assess fees and costs among the participating Plaintiffs and, in the event that Tubular Services prevails, you could be partially responsible for payment of court costs.

As already stated, you are not required to join in this case by filing your consent or to take any action unless you want to. If you do not join this case by properly filing a notice of consent, you will not be entitled to any relief, including back wages for overtime, that may be obtained in this suit if Plaintiffs prevail. If, however, you decide to join this case by filing your consent, you will be bound by the judgment of the Court on all issues of the case, whether it is favorable or unfavorable to you.

If you decide to become a party plaintiff in this case, you may be required to participate in the litigation, which could include providing sworn testimony in a deposition, answering interrogatories under oath, or testifying at trial of the case in Corpus Christi, Texas.

Your determination of whether or not to take action should be made promptly. Because the law only allows a person to recover up to three years of back wages from the date the Notice of Consent is **filed**, time is of the essence in submitting this form if you

wish to make a full recovery. **The Court has set July 16, 2012 as the deadline by which all Consents must be filed.**

This notice is for the sole purpose of determining the identity of those persons who wish to be involved in this case. Although the Court has authorized the sending of this notice, there is no assurance at this time that the Court will grant any relief in this case. It is also possible that this case may be de-certified as a collective action at a later date in the litigation.

The FLSA prohibits anyone from discriminating or retaliating against you if you choose to take part in this case and Tubular Services has agreed to abide by the law in this regard.

**This notice has been authorized by the Honorable Nelva Gonzales Ramos, the Judge to whom this case has been assigned. The Judge takes no position on the merits of the Plaintiffs' claims or the Defendants' defenses.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JOSE ANGEL LOPEZ, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. C-11-353
	§	
ALLIS-CHALMERS ENERGY INC., <i>et al</i> ,	§	
	§	
Defendants.	§	

**NOTICE OF CONSENT**

I hereby consent to become a party plaintiff in the lawsuit brought pursuant to the Fair Labor Standards Act (FLSA) to recover unpaid wages and overtime from my current and/or former employer, Archer Tubular Services LLC, formerly known as Allis-Chalmers Tubular Services LLC.

Full Legal Name (print):
Street Address:
City, State, and Zip Code:
Phone:

I am represented by:

Firm Name (print):
Street Address:
City, State, and Zip Code:
Phone:

---

Signature

---

Date

Return this form to: Clerk, United States District Court  
1133 N. Shoreline Blvd.  
Corpus Christi, TX 78401